

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF JAMES) APPEAL NO. 06-A-2169
THOMAS from the decision of the Board of) FINAL DECISION
Equalization of Bingham County for tax year 2006.) AND ORDER
)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing December 19, 2006, in Blackfoot, Idaho, before Presiding Officer David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant James Thomas appeared for himself. County Appraisers William Whitten and Lora Faler appeared for Respondent Bingham County. This appeal is taken from a decision of the Bingham County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. RP7022600.

The issue on appeal is the market value of a residential property.

The decision of the Bingham County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$12,000, and the improvements' valuation is \$12,300, totaling \$24,300. Appellant requests the land value be reduced to \$7,000, and the improvements' value be left at \$12,300 for a total value of \$19,300.

Subject property is a one bedroom, one bath, 681 square foot single-family residence, and is currently used as a rental.

Appellant contended that subject was assessed at a value way out of line based on a foreclosure residence on the same street which sold for \$22,000. Appellant reports that higher offers were submitted for the foreclosure, and declared that the State of Idaho said the property had to be sold for \$22,000, and therefore claims subject's assessed value is

incorrect.

Appellant did not discuss the land values placed on subject but discussed the total assessed value. Appellant argued about the State of Idaho compliance laws.

Respondent presented a chart listing comparable residences in subject's area to demonstrate assessed values were uniform.

Respondent submitted three sales which were similar to subject in size and location. The sales ranged in price from \$48,000 to \$50,780 and ranged from 670 square feet to 926 square feet.

Respondent stated there was a positive factor applied to land values across the County.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code Section 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellant did not offer any appraisal or other factual information pertaining to the market value of subject property. Appellant's case was constructed around the claim that the subject was assessed too high based on a foreclosure on the same street as subject. Foreclosure sales are not typical in the marketplace. They may be indicative of market value. However, no documentation was submitted for the Board to evaluate whether the sale was arm's-length.

The County submitted three comparable sales similar to the subject in location and size to support subject's assessed value. The sales appear to be good evidence of value. The chart submitted by Respondent indicates the assessed values in subject's subdivision are uniform among similar properties. The Board finds the assessed value of subject does not exceed market value, and the assessed value has not been demonstrated to be in error.

Idaho Code §63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

Appellant did not prove by a preponderance of evidence that the relief claimed was

warranted. Therefore, this Board will affirm the decision of the Bingham County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Bingham County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 5th day of March, 2007.